

AMENDED IN ASSEMBLY JUNE 23, 1998

AMENDED IN ASSEMBLY MAY 6, 1998

AMENDED IN SENATE JANUARY 7, 1998

SENATE BILL

No. 1250

Introduced by Senator Kopp

February 28, 1997

An act to amend Section 10770 of, and to repeal Section 10707 of, the Revenue and Taxation Code, and to amend Sections 16000 and ~~24400~~ 40000.13 of, and to repeal Section 677 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1250, as amended, Kopp. Vehicles: annual registration: *accidents*.

(1) Under existing law, there is a year-round registration system for vehicles which commenced in 1976. Under these provisions, existing law defines "1976 registration year."

This bill would delete this obsolete definition and make related and other technical, nonsubstantive changes.

(2) Existing law requires the driver of every motor vehicle who is in an accident originating from the operation of a motor vehicle on any street or highway or any reportable off-highway accident, as specified, that has resulted in damage to the property of any one person in excess of \$500, or in bodily injury, or in the death of any person, to report the accident, within 10 days after the accident, to the Department of Motor Vehicles, as specified. Existing law specifies that any person who violates these provisions is guilty of an infraction. Existing

law also specifies that a report is not required pursuant to these provisions if the motor vehicle involved in the accident was owned or leased by, or under the direction of, the United States, this state, another state, or a local agency.

This bill, as an exception to this latter provision, would require the driver of a motor vehicle that is owned or operated by a publicly owned or operated transit system, or that is operated under contract with a publicly owned or operated transit system, and used to provide regularly scheduled transportation to the general public or for other official business of the system, to report *within 10 days of the occurrence of the accident* to the transit system any accident as specified above. In addition, the bill would require the transit system to maintain records of any report filed by one of its drivers pursuant to these provisions *and, within 10 days of being notified of the accident, to report the accident to the department. The bill would prohibit the use of point violations for failure to make accident reports for purposes of calculating and establishing personal insurance rates and would make it a misdemeanor to violate this prohibition.* Thus, the bill would increase the duties and responsibilities of local entities, thereby imposing a state-mandated local program. In addition, to the extent that these provisions would expand the scope of an existing crime *and create a new crime*, the bill would impose a state-mandated local program.

~~(3) Under existing law, motor vehicles during darkness, other than motoreycles, are required to be equipped with at least 2 lighted headlamps.~~

~~This bill would require every motor vehicle, other than motoreycles, to have lighted headlamps during periods of rain, mist, hail, snow, or other precipitation which necessitates the constant use of windshield wipers by the person driving the motor vehicle.~~

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other~~

procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10707 of the Revenue and
2 Taxation Code is repealed.
3 SEC. 2. Section 10770 of the Revenue and Taxation
4 Code is amended to read:
5 10770. (a) If the fee for an original registration is not
6 paid within 20 days after it becomes delinquent, a penalty
7 equal to 20 percent of the fee shall be added and collected
8 with the fee.
9 (b) A penalty of 20 percent of the license fee shall be
10 added on any application for original or renewal of
11 year-round or annual registration made later than
12 midnight of the date of expiration or on or after the date
13 penalties become due. This penalty shall be computed
14 after the vehicle license fee has been combined with the
15 registration and weight fees as provided in Sections 9250
16 and 9400 of the Vehicle Code.
17 (c) Notwithstanding subdivision (a), any penalty that
18 became due prior to January 1, 1978, shall be computed
19 at the rate of penalty which was then in effect.
20 SEC. 3. Section 677 of the Vehicle Code is repealed.
21 SEC. 4. Section 16000 of the Vehicle Code is amended
22 to read:
23 16000. (a) The driver of every motor vehicle who is
24 in any manner involved in an accident originating from
25 the operation of a motor vehicle on any street or highway

1 or any reportable off-highway accident defined in Section
2 16000.1 that has resulted in damage to the property of any
3 one person in excess of five hundred dollars (\$500) or in
4 bodily injury or in the death of any person shall, within 10
5 days after the accident, report the accident, either
6 personally or through an insurance agent, broker, or legal
7 representative, on a form approved by the department to
8 the office of the department at Sacramento, subject to the
9 provisions of this chapter. The driver shall identify on the
10 form, by name and current residence address, if available,
11 any person involved in the accident complaining of
12 bodily injury.

13 (b) (1) Except as provided in paragraph (2), a report
14 is not required pursuant to subdivision (a) if the motor
15 vehicle involved in the accident was owned or leased by,
16 or under the direction of, the United States, this state,
17 another state, or a local agency.

18 (2) The driver of a vehicle that is owned or operated
19 by a publicly owned or operated transit system, or that is
20 operated under contract with a publicly owned or
21 operated transit system, and used to provide regularly
22 scheduled transportation to the general public or for
23 other official business of the system, shall, *within 10 days*
24 *of the occurrence of the accident*, report to the transit
25 system any accident of a type otherwise required to be
26 reported pursuant to subdivision (a). The transit system
27 shall maintain records of any report filed pursuant to ~~this~~
28 ~~paragraph. A driver who fails to file a report as required~~
29 ~~by this paragraph shall be subject to the driver's license~~
30 ~~suspension requirements of Section 16004.~~ *to this*
31 *paragraph and, within 10 days of being notified of an*
32 *accident, shall report the accident to the department.*
33 *The transit system shall not report the driver to the*
34 *department for failure to comply with the requirements*
35 *of this section without first notifying the driver and giving*
36 *the driver the opportunity to file the required accident*
37 *report within 10 days. Drivers responsible for accidents*
38 *reported pursuant to this section or who fail to file the*
39 *required report shall be subject to the provisions of*

1 Sections 12810 and 12810.5 relating to negligent
2 operators.

3 (3) The accumulation of points on a driver's record
4 pursuant to subdivision (f) of Section 12810 arising from
5 the accident reporting requirements of paragraph (2)
6 shall not be used for purposes of calculating or
7 establishing the personal insurance rates of the affected
8 driver. Any violation of this paragraph is a misdemeanor.

9 (c) If none of the parties involved in an accident has
10 reported that accident to the department within one year
11 following the date of the accident, the department is not
12 required to file the report, and the driver's license
13 suspension requirements of Section 16004 or 16070 do not
14 apply.

15 ~~SEC. 5. Section 24400 of the Vehicle Code is amended~~
16 ~~to read:~~

17 ~~24400. (a) During darkness, every motor vehicle~~
18 ~~other than a motorcycle, shall be equipped with at least~~
19 ~~two lighted headlamps, with at least one on each side of~~
20 ~~the front of the vehicle, and, except as to vehicles~~
21 ~~registered prior to January 1, 1930, they shall be located~~
22 ~~directly above or in advance of the front axle of the~~
23 ~~vehicle. The headlamps and every light source in any~~
24 ~~headlamp unit shall be located at a height of not more~~
25 ~~than 54 inches nor less than 22 inches.~~

26 ~~(b) Lighted headlamps shall be required on every~~
27 ~~motor vehicle subject to subdivision (a) during periods of~~
28 ~~rain, mist, hail, snow, or other precipitation which~~
29 ~~necessitates the constant use of windshield wipers by the~~
30 ~~person driving the motor vehicle.~~

31 ~~(d) The accident reporting requirements of this~~
32 ~~section do not apply to police, fire, and other protective~~
33 ~~service vehicles that are operated by public agencies.~~

34 ~~SEC. 5. Section 40000.13 of the Vehicle Code is~~
35 ~~amended to read:~~

36 ~~40000.13. A violation of any of the following provisions~~
37 ~~is a misdemeanor, and not an infraction:~~

38 ~~(a) Paragraph (3) of subdivision (b) of Section 16000,~~
39 ~~relating to insurance rates.~~

1 (b) Section 16560, relating to interstate highway
2 carriers.

3 ~~(b)~~

4 (c) Sections 20002 and 20003, relating to duties at
5 accidents.

6 ~~(c)~~

7 (d) Section 21200.5, relating to riding a bicycle while
8 under the influence of an alcoholic beverage or any drug.

9 ~~(d)~~

10 (e) Section 21651, subdivision (b), relating to
11 wrong-way driving on divided highways.

12 ~~(e)~~

13 (f) Section 22520.5, a second or subsequent conviction
14 of an offense relating to vending on or near freeways.

15 ~~(f)~~

16 (g) Section 22520.6, a second or subsequent conviction
17 of an offense relating to roadside rest areas and vista
18 points.

19 SEC. 6. No reimbursement is required by this act
20 pursuant to Section 6 of Article XIII B of the California
21 Constitution for certain costs that may be incurred by a
22 local agency or school district because in that regard this
23 act creates a new crime or infraction, eliminates a crime
24 or infraction, or changes the penalty for a crime or
25 infraction, within the meaning of Section 17556 of the
26 Government Code, or changes the definition of a crime
27 within the meaning of Section 6 of Article XIII B of the
28 California Constitution.

29 However, notwithstanding Section 17610 of the
30 Government Code, if the Commission on State Mandates
31 determines that this act contains other costs mandated by
32 the state, reimbursement to local agencies and school
33 districts for those costs shall be made pursuant to Part 7
34 (commencing with Section 17500) of Division 4 of Title
35 2 of the Government Code. If the statewide cost of the
36 claim for reimbursement does not exceed one million
37 dollars (\$1,000,000), reimbursement shall be made from
38 the State Mandates Claims Fund.

39 Notwithstanding Section 17580 of the Government
40 Code, unless otherwise specified, the provisions of this act

1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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